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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,478	03/28/2002	Yoichiro Sako	7246/64967	1150

7590 10/07/2005
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EXAMINER

SHAW, YIN CHEN

ART UNIT PAPER NUMBER

2135

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,478

Applicant(s)

SAKO ET AL.

Examiner

Yin-Chen Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2002 and 30 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☒ Claim(s) 11, 31, and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/28/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-48 have been submitted for examination.
2. Claims 1-48 have been examined and rejected.

Claim Objections

3. Claim 11, 31, and 36 are objected to because of the following informalities:

- a. Claim 11 contains typographical error. The phrase "comparing the extracted address type information with the address type information read from the apparatus" should be "comparing the extracted address type information with the apparatus type information read from the apparatus".
- b. Claim 31 contains typographical error. The phrase "the type information" should be "the storing type information".
- c. Claim 36 contains typographical error. The phrase "on which the type information of the key information is recorded" should be "on which the record medium type information of the key information is recorded".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 11-12, 32-33, 36-38, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. (U.S. Patent 6,453,369) and further in view of Oki et al. (U.S. Patent 6,523,117).

a. Referring to Claims 1 and 11:

As per Claim 1, Imamura et al. discloses a recording and reproducing method for a record medium, the method comprising the steps of:

performing one of a recording process and a reproducing process for the record medium **[access to the memory medium data reading and/or writing (line 7-8, Abstract). In the embodiment of the present invention, a magneto-optical disk (MO) is employed as a memory medium (hereinafter referred to as a medium) for recording data (lines 14-16, Col. 4)].**

reading record medium type information from the record medium when data are recorded to the record medium and reproduced from the record medium on which the record medium type information has been recorded **[When a magneto-optical disk in which the device identifier is recorded is inserted into a specific storage device, data reading/writing control is provided in accordance with the relationship between the**

device identifier of the storage device and the device identifier recorded in the medium (lines 14-18, Col. 5). The writing in a medium of the device identifier is performed by the magneto-optical disk controller (ODC) 11 (lines 24-25, Col. 5). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5)];

reading apparatus type information from a recording and reproducing apparatus for the record medium [A device identifier inherent to a magneto-optical disk device (hereinafter referred to as a storage device) (lines 9-11, Col. 5). Compared with the device identifier of the storage device 1 in which the medium is currently loaded (lines 9-10, Col. 6); *this means the device identifier information is first read from the magnet-optical device*];

comparing the record medium from the record medium with the apparatus type information read from the apparatus [at step S106, the device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifies match (lines 7-11, Col. 6)].

Imamura et al. further disclose the perform one of the recording process and a reproducing process for the record medium **[reads data from and/or writes data to a memory medium (lines 51-52, Col. 1)]**, and when record medium type information read from the record medium matches the apparatus type information read from the apparatus **[the device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifiers match. When the two device identifiers match, the process then advances to step S108 (lines 8-13, Col. 6)]**. Imamura et al. do not expressly disclose using information corresponding to the apparatus type information stored in the apparatus. However, Oki et al. disclose the key information, which corresponds to the identification information, for deciphering data **[the first key information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information (lines 7-11, Col. 5). For example, deciphering data according to the first key information (lines 17-18, Col. 5)]**. Imamura et al. and Oki et al. are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM,

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processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. with Oki et al. The modification would be obvious since one of ordinary skill in the art would be motivated to avoid secret data recorded on the memory medium, such as the contents of a client data base or design data, easily be stolen or altered (lines 41-43, Col. 1 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. with Oki et al. to obtain the invention as specified in claim 1.

As per Claim 11, Imamura et al. discloses a recording and reproducing method for a record medium, comprising the steps of: reading address information from the record medium when data are one of recorded to and reproduced from the record medium on which the address information recorded, the address information including address type information **[At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). When a magneto-optical disk in which the device identifier is recorded is inserted into a specific storage device, data reading/writing control is provided in accordance with the relationship between the device identifier of the storage**

device and the device identifier recorded in the medium (lines 14-18, Col. 5). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5)];

extracting type information from the address information that has been read [At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). At step S907, the device identifier included in the security information is compared (lines 10-11, Col. 12); *this means the identifier information is obtained from the security information in the security area*];

reading apparatus type information from a recording and reproducing apparatus for the record medium [A device identifier inherent to a magneto-optical disk device (hereinafter referred to as a storage device) (lines 9-11, Col. 5). Compared with the device identifier of the storage device 1 in which the medium is currently loaded (lines 9-10, Col. 6);

this means the device identifier information is first read from the magnet-optical device];

comparing the extracted address type information with the apparatus type information read from the apparatus **[at step S106, the device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifies match (lines 7-11, Col. 6)].**

Imamura et al. further disclose the perform one of the recording process and a reproducing process for the record medium **[reads data from and/or writes data to a memory medium (lines 51-52, Col. 1)],** and when the extracted address type information matches the apparatus type information read from the apparatus **[At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). At step S907, the device identifier included in the security information is compared; *this means the identifier information is obtained from the security information in the***

security area. The device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifiers match. When the two device identifiers match, the process then advances to step S108 (lines 8-13, Col. 6)]. Imamura et al. do not expressly disclose using information corresponding to the apparatus type information stored in the apparatus. However, Oki et al. disclose the key information, which corresponds to the identification information, for deciphering data [the first key information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information (lines 7-11, Col. 5). For example, deciphering data according to the first key information (lines 17-18, Col. 5)]. Imamura et al. and Oki et al. are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. with Oki et al. The modification would be obvious since one of ordinary skill in the art would be motivated to avoid secret data recorded on the memory medium, such as the

contents of a client data base or design data, easily be stolen or altered (lines 41-43, Col. 1 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. with Oki et al. to obtain the invention as specified in claim 11.

b. Referring to Claims 2, 12, and 38:

As per Claim 2, Imamura et al. and Oki et al. disclose the recording and reproducing method for the record medium as set forth in claim 1. In addition, Imamura et al. disclose the method further comprising the step of:

determining which of the record medium type information read from the record medium and the apparatus type information read from the apparatus is type information that represents a later generation when the record medium type information read from the record medium does not match the apparatus type information read from the apparatus **[the device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifiers match. When the two device identifiers match, the process then advances to step S108 (lines 8-13, Col. 6). When at step S06, the two device identifiers do not match (lines 16-17); *this means that when two identifiers do not match, one of them must be larger (or later) than the other*]**.

As per Claim 12, the rejection of Claim 11 is incorporated. Claim 12 further encompasses limitations that are similar to those of Claim 2. Therefore, it is rejected with the same rationale applied against Claim 2 above. In additional, Imamura et al. disclose the extracted address type information **[At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). At step S907, the device identifier included in the security information is compared (lines 10-11, Col. 12); *this means the identifier information is obtained from the security information in the security area*]**.

As per Claim 38, the rejection of Claim 37 is incorporated. In addition, Claim 38 encompasses limitations that are similar to those of Claim 2. Therefore, it is rejected with the same rationale applied against Claim 2 above.

c. Referring to Claim 32:

As per Claim 32, Imamura et al. disclose a record medium on which address information including type information that represent a generation of information **[a magneto-optical disk (MO) is employed as a memory medium (hereinafter referred to as a medium) for recording data (lines 14-15, Col. 4). At step 802, the address information in the security area are read (lines 32-33, Col. 11). At step S907, the device identifier included in the security identifier included in the security information. Security information in the security are is a device identifier inherent to a magneto-optical disk device (hereinafter referred to as a storage device), such as a serial number]**. Imamura et al. do not expressly disclose performing an encrypting process for data to be recorded is recorded. However, Oki et al. disclose the encrypted information is stored in the storage medium **[An encrypted storage medium refers to a medium such as a CD-ROM disk, etc. containing encrypted information (lines 17-19, Col. 4); *this means a key information is used for performing the encryption process*]**. Imamura et al. and Oki et al. are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. with Oki et al. The

modification would be obvious since one of ordinary skill in the art would be motivated to avoid secret data recorded on the memory medium, such as the contents of a client data base or design data, easily be stolen or altered (lines 41-43, Col. 1 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. with Oki et al. to obtain the invention as specified in claim 32.

d. Referring to Claim 33:

As per Claim 33, Imamura et al. and Oki et al. disclose the record medium as set forth in claim 32, wherein the information for performing the encrypting process is key information **[key information (line 55, Col. 4 from Oki et al.)]**.

e. Referring to Claim 36:

As per Claim 36, Imamura et al. disclose a recording and reproducing method for a record medium, the method comprising the steps of:

reading record medium type information from the record medium when data are one of recorded to the record medium and reproduced from the record medium on which the record medium type information is recorded **[When a magneto-optical disk in which the device identifier is recorded is inserted into a specific storage device, data reading/writing control is provided in accordance with the relationship between the**

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device identifier of the storage device and the device identifier recorded in the medium (lines 14-18, Col. 5). The writing in a medium of the device identifier is performed by the magneto-optical disk controller (ODC) 11 (lines 24-25, Col. 5). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5)];

reading apparatus type information of key information from a recording and reproducing apparatus for the record medium **[A device identifier inherent to a magneto-optical disk device (hereinafter referred to as a storage device) (lines 9-11, Col. 5). Compared with the device identifier of the storage device 1 in which the medium is currently loaded (lines 9-10, Col. 6); *this means the device identifier information is first read from the magnet-optical device*];**

comparing the record medium type information read from the record medium with the apparatus type information read from the apparatus **[at step S106, the device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifies match (lines 7-11, Col. 6)]; and**

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controlling one of a recording and a reproducing operation corresponding to a compared result of the comparing step **[data reading/writing control is provided in accordance with the relationship between the device identifier of the storage device and the device identifier recorded in the medium (lines 14-18, Col. 5)]**.

Imamura et al. do not expressly disclose key information. However, Oki et al. disclose the key information related the identification information [the first key information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information (lines 7-11, Col. 5)]. Imamura et al. and Oki et al. are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. with Oki et al. The modification would be obvious since one of ordinary skill in the art would be motivated to avoid secret data recorded on the memory medium, such as the contents of a client data base or design data, easily be stolen or altered (lines 41-43, Col. 1 from Oki et al.). Therefore, it would

have been obvious to combine Imamura et al. with Oki et al. to obtain the invention as specified in claim 36.

f. Referring to Claim 37:

As per Claim 37, Imamura et al. and Oki et al. disclose the recording and reproducing method for the record medium as set forth in claim 36. In addition, Imamura et al. disclose the step of: recording data to the record medium and reproducing data from the record medium using information corresponding to the apparatus type information stored in the apparatus when the record medium type information read from the record medium matches the apparatus type information read from the apparatus **[the device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifiers match. When the two device identifiers match, the process then advances to step S108, whereat the security is released and the reading of data from the medium and the writing of data to it are permitted (lines 8-15, Col. 6)].**

g. Referring to Claim 46:

As per Claim 46, Imamura et al. and Oki et al. disclose the recording and reproducing method as set forth in claim 36. Oki et al. further disclose the key information **[key information (line 55, Col. 4)]** in addition to Imamura et al. disclose recorded in

address information recorded in the record medium **[address information to be used to control writing of data are stored in a predetermined area on the memory medium (lines 9-11, Col. 2). At step S802, the address information in the security area are read (lines 32-33, Col. 11). The security information (device identifier) recorded in the security area are read (lines 64-65, Col. 5)].**

5. Claims 3-7, 13-17, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. (U.S. Patent. 6,453,369) and Oki et al. (U.S. Patent 6,523,117) and further in view of Ito (U.S. Patent 6,496,978).

a. Referring to Claims 3, 13, and 39:

As per Claim 3, Imamura et al. and Oki et al. disclose the recording and reproducing method for the record medium as set forth in claim 2. Imamura et al. disclose canceling the recording process and the reproducing process **[the reading/writing of data is inhibited (lines 17-18, Col. 6)]** in addition to a result of the determining step as in Claim 2. Imamura et al. do not expressly disclose the record medium type information read from the record medium is type information that represents a generation later than a generation represented by the apparatus type information read from the apparatus. However, Ito disclose

the comparison of the version number is performed to determine if the one associated with the EPROM (recording medium such as CD-ROM) is more recent than the one associated with the ROM in the system **[When the EPROM 5 is an EPROM conforming to the microcomputer control system, version information (version number a) stored in the storage area 201 of the ROM 2 is compared with version information (version number b) stored in the storage area 211 of the EPROM 5 (step 33), and if the comparison show that the version number b of the EPROM 5 is more recent (lines 3-9, Col. 4). In this embodiment, as an information recording medium, there can be used pressed CD-ROM disks, DVD-ROM disks, write-once CD-R disks, DVD-R disks, erasable CD-RW disks, and DVD-RAM disks, and the use of these media would make additional operations on version changes simpler than the use of an EPROM (lines 41-46, Col. 10)].** Imamura et al., Oki et al., and Ito are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. and Oki et al, with the further comparison result disclosed by Ito to effectively control the information access. The modification would be obvious since one

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of ordinary skill in the art would be motivated to have a microcomputer control system which is controlled on the basis of program or data stored in memory (lines 8-9, Col. 1). Therefore, it would have been obvious to combine Imamura et al., Oki et al. with Ito to obtain the invention as specified in claim 3.

As per Claim 13, the rejection of Claim 12 is incorporated. Claim 13 further encompasses limitations that are similar to those of Claim 3. Therefore, it is rejected with the same rationale applied against Claim 3 above. In additional, Imamura et al. disclose the extracted address type information **[At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). At step S907, the device identifier included in the security information is compared (lines 10-11, Col. 12); *this means the identifier information is obtained from the security information in the security area*].**

As per Claim 39, the rejection of Claim 38 is incorporated. In addition, Claim 39 encompasses limitations that are similar to those of Claim 3. Therefore, it is rejected with the same rationale applied against Claim 3 above.

b. Referring to Claims 4, 14, and 40:

As per Claim 4, Imamura et al. and Ito disclose the recording and reproducing method for the record medium as set forth in claim 3. Imamura et al. disclose a display for displaying data **[a display 4 on which data are displayed (line 51, Col. 4)]**. Imamura et al. do not expressly disclose the method further comprising the step of: performing an indication for prompting the user to obtain type information that represents the later generation. However, Oki et al. disclose a message for obtaining the key number is displayed **[After the "Media Shuttle" start message, three selection message items, that is, obtaining the implementation key number, displaying a product list, and existing the program, are displayed (lines 39-42, Col. 7)]**. Imamura et al., Ito, and Oki et al. are analogous art because they are from similar technology relating to the storage information, such as CD-ROM, processing technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. and Ito with Oki et al. to have a indication message to remind the user for update. The modification would be obvious since one

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of ordinary skill in the art would be motivated to eventually have an interactive unit transmits online through the communication unit a key information for use in accessing in the user terminal unit the information stored on user storage medium (lines 53-57, Col. 1 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. and Ito with Oki et al. to obtain the invention as specified in claim 4.

As per Claim 14, the rejection of Claim 13 is incorporated. In addition, Claim 14 encompasses limitations that are similar to those of Claim 4. Therefore, it is rejected with the same rationale applied against Claim 4 above.

As per Claim 40, the rejection of Claim 39 is incorporated. In addition, Claim 40 encompasses limitations that are similar to those of Claim 4. Therefore, it is rejected with the same rationale applied against Claim 4 above.

c. Referring to Claims 5, 15, and 41:

As per Claim 5, Imamura et al. and Oki et al. disclose the recording and reproducing method for the record medium as set forth in claim 2. Imamura et al. disclose performing the recording process and reproducing process **[the reading of data from the medium and the writing of data to it are permitted (lines 14-**

15, Col. 6)] in addition to a result of the determining step as in Claim 2. Imamura et al. do not expressly disclose the type apparatus information read from the apparatus is type information that represents a generation later than a generation represented by the record medium type information read from the record medium. However, Ito disclose the comparison of the version number is performed to determine if the one associated with the ROM in the system is more recent than the one associated with the EPROM (recording medium such as CD-ROM) **[When the EPROM 5 is an EPROM conforming to the microcomputer control system, version information (version number a) stored in the storage area 201 of the ROM 2 is compared with version information (version number b) stored in the storage area 211 of the EPROM 5 (step 33), and if the comparison show that the version number b of the EPROM 5 is more recent, control is transferred to step 35; if the version number a of the ROM 2 is more recent (lines 3-10, Col. 4). In this embodiment, as an information recording medium, there can be used pressed CD-ROM disks, DVD-ROM disks, write-once CD-R disks, DVD-R disks, erasable CD-RW disks, and DVD-RAM disks, and the use of these media would make additional operations on version changes simpler than the use of an EPROM (lines 41-46, Col. 10)].** Imamura et al., Oki et

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al., and Ito are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. and Oki et al, with the further comparison result disclosed by Ito to effectively control the information access. The modification would be obvious since one of ordinary skill in the art would be motivated to have a microcomputer control system which is controlled on the basis of program or data stored in memory (lines 8-9, Col. 1). Therefore, it would have been obvious to combine Imamura et al., Oki et al. with Ito to obtain the invention as specified in claim 5.

As per Claim 15, the rejection of Claim 12 is incorporated. Claim 15 further encompasses limitations that are similar to those of Claim 5. Therefore, it is rejected with the same rationale applied against Claim 5 above. In additional, Imamura et al. disclose the extracted address type information **[At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security**

information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). At step S907, the device identifier included in the security information is compared (lines 10-11, Col. 12); *this means the identifier information is obtained from the security information in the security area*].

As per Claim 41, the rejection of Claim 38 is incorporated. In addition, Claim 41 encompasses limitations that are similar to those of Claim 5. Therefore, it is rejected with the same rationale applied against Claim 5 above.

d. Referring to Claims 6, 16, and 42:

As per Claim 6, Imamura et al. and Ito disclose the recording and reproducing method for the record medium as set forth in claim 5. Imamura et al. further disclose a display for displaying data [**a display 4 on which data are displayed (line 51, Col. 4)**]. Imamura et al. and Ito do not expressly disclose the method further comprising the step of performing an indication that represents that the record type information read from the record medium is former type information. However, Oki et al. disclose a message for informing the existing (old) program or product [**After the "Media Shuttle" start message, three selection message items, that is, obtaining the implementation key number, displaying a product list, and existing the program, are**

displayed (lines 39-42, Col. 7); *this means that the current information, product, or program has already been existed or out-dated*]. Imamura et al., Ito, and Oki et al. are analogous art because they are from similar technology relating to the storage information, such as CD-ROM, processing technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. and Ito with Oki et al. to have a indication message to remind the user issues regarding updating (versioning). The modification would be obvious since one of ordinary skill in the art would be motivated to eventually have an interactive unit transmits online through the communication unit a key information for use in accessing in the user terminal unit the information stored on user storage medium (lines 53-57, Col. 1 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. and Ito with Oki et al. to obtain the invention as specified in claim 6.

As per Claim 16, the rejection of Claim 15 is incorporated. Claim 16 further encompasses limitations that are similar to those of Claim 15. Therefore, it is rejected with the same rationale applied against Claim 15 above. In additional, Imamura et al. disclose the extracted address type information **[At step S802, the address information in the security area are read, and at step 803 a**

check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). At step S907, the device identifier included in the security information is compared (lines 10-11, Col. 12); *this means the identifier information is obtained from the security information in the security area*].

As per Claim 42, the rejection of Claim 41 is incorporated. In addition, Claim 42 encompasses limitations that are similar to those of Claim 6. Therefore, it is rejected with the same rationale applied against Claim 6 above.

e. Referring to Claims 7, 17, and 43:

As per Claim 7, Imamura et al. and Ito disclose the recording and reproducing method for the record medium as set forth in claim 5. Imamura et al. and Ito do not expressly disclose wherein the recording process includes an encrypting process using information corresponding to the apparatus type information stored in the apparatus; and the reproducing process includes a decrypting process using the information corresponding to the apparatus type information stored in the apparatus. However, Oki

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et al. disclose the encrypted data is stored on the CD-ROM and decryption of the encrypted data is required using the keys [An encrypted storage medium refers to a medium such as a CD-ROM disk, etc. containing encrypted information (lines 17-20, Col. 4); *this means a key is used for encrypting the information.* The key generating unit 3 corresponds to an enciphering system 35 (lines 39-40, Col. 4). The key generating unit 3 generates the first key information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information contained in the order information (lines 6-12, Col. 5). The host computer generates key information for use in deciphering the selected information by combining the identifier of the selected information, user identification, etc (line 4-7, abstract)].

Imamura et al., Ito, and Oki et al. are analogous art because they are from similar technology relating to the storage information, such as CD-ROM, processing technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. and Ito with Oki et al. to have a indication message to remind the user issues regarding updating (versioning). The modification would be obvious since

one of ordinary skill in the art would be motivated to have key information for use in retrieving software (information) stored on the encrypted storage medium (lines 56-58, Col. 4 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. and Ito with Oki et al. to obtain the invention as specified in claim 7.

As per Claim 17, the rejection of Claim 15 is incorporated. In addition, Claim 17 encompasses limitations that are similar to those of Claim 7. Therefore, it is rejected with the same rationale applied against Claim 7 above.

As per Claim 43, the rejection of Claim 41 is incorporated. In addition, Claim 43 encompasses limitations that are similar to those of Claim 7. Therefore, it is rejected with the same rationale applied against Claim 7 above.

6. Claims 8-10, 18-22, 34-35, 44-45, 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. (U.S. Patent. 6,453,369) and Oki et al. (U.S. Patent 6,523,117) and further in view of Osakabe (U.S. Patent 6,894,961).

- a. Referring to Claims 8, 18, and 44:

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As per Claim 8, Imamura et al. and Oki et al. disclose the recording and reproducing method for the record medium as set forth in claim 1. Imamura et al. and Oki et al. do not expressly disclose the remaining limitation. However, Osakabe discloses performing an encoding process for data recorded on the record medium and performing a decoding process for data read from the record medium **[The recording data output from the output unit 30 is sent via an interface circuit 31 to an EFM encoder 33 for encoding into the EFM format (lines 28-30, Col. 8). EFM (Eight to Fourteen Modulation) decoder 21 EFM-decodes each disk readout signal that is output from the optical head 16 as the head 16 reads the optical disk 12 (lines 64-66, Col. 7)]**. In addition, Oki et al. disclose the information corresponding to the apparatus type information **[the key generating unit 3 corresponds to an enciphering system 35 (lines 39-40, Col. 4). The key generating unit 3 generates the first key information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information contained in the order information (lines 6-12, Col. 5)]**. Imamura et al., Oki et al., and Osakabe are analogous art because they are from similar technology relating to the storage information, such as CD-ROM,

processing technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al. and Oki et al. with Osakabe to have the encoding and decoding process performed based on the key information. The modification would be obvious since one of ordinary skill in the art would be motivated to have recording on the optical disk with minimized errors (lines 37-38, Col. 1 from Osakabe). Therefore, it would have been obvious to combine Imamura et al. and Oki et al. with Osakabe to obtain the invention as specified in claim 8.

As per Claim 18, the rejection of Claim 11 is incorporated. In addition, Claim 18 encompasses limitations that are similar to those of Claim 8. Therefore, it is rejected with the same rationale applied against Claim 8 above.

As per Claim 44, the rejection of Claim 36 is incorporated. Claim 44 further encompasses some limitations that are similar to those of Claim 8. Therefore, it is rejected with the same rationale applied against Claim 8 above. In addition, Oki et al. disclose information corresponding to the apparatus type information stored in the apparatus **[the first key information to be provided to the user, according to the second key**

information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information (lines 7-11, Col. 5). For example, deciphering data according to the first key information (lines 17-18, Col. 5)].

b. Referring to Claims 9, 19, and 45:

As per Claim 9, Imamura et al., Oki et al., and Osakabe disclose the recording and reproducing method for the record medium as set forth in claim 8. In addition, Oki et al. disclose the encoding process includes an encrypting process using information corresponding to the type information corresponding to the apparatus type information stored in the apparatus, and the decoding process includes a decrypting process using the information corresponding to the apparatus type information stored in the apparatus [An encrypted storage medium refers to a medium such as a CD-ROM disk, etc. containing encrypted information (lines 17-20, Col. 4); *this means a key is used for encrypting the information.* The key generating unit 3 corresponds to an enciphering system 35 (lines 39-40, Col. 4). The key generating unit 3 generates the first key information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user

terminal unit identification information contained in the order information (lines 6-12, Col. 5). The host computer generates key information for use in deciphering the selected information by combining the identifier of the selected information, user identification, etc (line 4-7, abstract)].

As per Claim 19, the rejection of Claim 18 is incorporated. In addition, Claim 19 encompasses limitations that are similar to those of Claim 9. Therefore, it is rejected with the same rationale applied against Claim 9 above.

As per Claim 45, the rejection of Claim 44 is incorporated. In addition, Claim 45 encompasses limitations that are similar to those of Claim 9. Therefore, it is rejected with the same rationale applied against Claim 9 above.

c. Referring to Claims 10 and 20:

As per Claim 10, Imamura et al., Osakabe, and Oki et al. disclose the recording and/or reproducing method for the record medium as set forth in claim 9, wherein the information corresponding to the apparatus type information stored in the apparatus is key information **[key information (line 55, Col. 4 from Oki et al.)]**.

As per Claim 20, the rejection of Claim 19 is incorporated. In addition, Claim 20 encompasses limitations that are similar to those of Claim 10. Therefore, it is rejected with the same rationale applied against Claim 10 above.

d. Referring to Claims 21, 34, and 47:

As per Claim 21, Imamura et al. and Oki et al. disclose the recording and reproducing method for the record medium as set forth in claim 11. Oki et al. disclose the record medium is a disc-shaped record medium **[An encrypted storage medium refer to a medium such as a CD-ROM disk (lines 17-18, Col. 4)]**. In addition, Imamura disclose the address information as in Claim 11. Imamura et al. and Oki et al. do not expressly disclose recorded in a lead-in area of the disc-shaped record medium. However, Osakabe discloses the optical disk has information such as the disk type (disk information), maker (manufacturing) and speed information recorded in the lead-in area as ATIP information **[ATIP information that is recorded in pre-grooves located in a lead-in area of an optical disk (lines 3-4, Abstract)]**. Optical disk 12 has the information indicative of the disk type and maker as well as the disk-applicable-recording-speed information recorded within the lead-in (lines 26-29, Col. 9)].

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Imamura et al., Oki et al., and Osakabe are analogous art because they are from similar technology relating to the storage information, such as CD-ROM, processing technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to have address information taught in Imamura et al. be stored at the lead-in area of the disk disclosed in Osakabe. The modification would be obvious since one of ordinary skill in the art would be motivated to realize the ATIP information recorded in the lead-in area of the optical disk may contain special (lines 31-34, Col. 5 from Osakabe). Therefore, it would have been obvious to combine Imamura et al. and Oki et al. with Osakabe to obtain the invention as specified in claim 21.

As per Claim 34, the rejection of Claim 32 is incorporated. In addition, Claim 34 encompasses limitations that are similar to those of Claim 21. Therefore, it is rejected with the same rationale applied against Claim 21 above.

As per Claim 47, the rejection of Claim 46 is incorporated. In addition, Claim 47 encompasses limitations that are similar to those of Claim 21. Therefore, it is rejected with the same rationale applied against Claim 21 above.

e. Referring to Claim 22, 35, and 48:

As per Claim 22, Imamura et al., Oki et al., and Osakabe disclose the recording and reproducing method for the record medium as set forth in claim 21. Imamura et al. disclose the type information is embedded at predetermined intervals in the address information **[At step S802, the address information in the security area are read, and at step 803 a check is performed to determine whether there are security information in the security area (lines 32-34, Col. 11). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5). Read address information to be used to control reading of data and/or write address information to be used to control writing of data are stored in a predetermined area on the memory medium (lines 8-11, Col. 2)].** Imanura et al. further disclose disclose the address information as in Claim 11 in addition to Osakabe discloses recorded such that grooves pre-formed on the disc-shaped record medium are wobbled **[recorded in the pre-groove wobbles or pre-pits of the optical disk (lines 31-33, Col. 2)].**

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As per Claim 35, the rejection of Claim 34 is incorporated. In addition, Claim 35 encompasses limitations that are similar to those of Claim 22. Therefore, it is rejected with the same rationale applied against Claim 22 above.

As per Claim 48, the rejection of Claim 47 is incorporated. In addition, Claim 48 encompasses some limitations that are similar to those of Claim 22. Therefore, it is rejected with the same rationale applied against Claim 22 above.

7. Claims 23-25 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. (U.S. Patent 6,453,369) and further in view of Osakabe (U.S. Patent 6,894,961) and Oki et al. (U.S. Patent 6,523,117).

a. Referring to Claim 23:

As per Claim 23, Imamura et al. disclose a recording and reproducing apparatus for a record medium, the apparatus comprising:

a head portion for scanning the record medium on which record medium type information is recorded **[head sensor 100, a data reading/writing diode 101, and a detector 102 for detecting the inclination of a head (lines 39-41, Col. 4)]**;

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a storing portion for storing storing type information [**The device identifier of the storage device is stored in the flash ROM provided for the magneto-optical disk controller (ODC) (lines 50-52, Col. 5)]; and**

a controlling portion for reading the record medium type information from the record medium [**a control unit which includes a magneto-optical disk controller (ODC) which employs firmware to implement a method according to the present invention (line 29-32, Col. 4). The magneto-optical disk controller (ODC) 11, which is provided with flash ROM for the storage of firmware, has an analysis function for analyzing SCSI commands received from the computer 2, and a coordination function for interacting with the MPU 12, in response to a SCSI command, to provide data writing/reading control of the mechanism controller 10 (lines 52-58, Col. 4). At step S103, data in the medium information management area on the medium are read, and at step S104, the security information (device identifier) recorded in the security area are read (lines 62-65, Col. 5)];**

reading the storing type information from the storing portion [**A device identifier inherent to a magneto-optical disk device (hereinafter referred to as a storage device) (lines 9-11, Col. 5). Compared with the device identifier of the storage device**

**1 in which the medium is currently loaded (lines 9-10, Col. 6);
*this means the device identifier (storing type) information is
first read from the magnet-optical device*];**

comparing the record medium type information read from the
record medium with the storing type information read from the
storing portion **[the device identifier recorded on the medium
is compared with the device identifier of the storage device 1
in which the medium is currently loaded in order to
determine whether the two device identifiers match (lines 8-
11, Col. 6)]**; and

causing the processing portion to perform one of a recording
process and a reproducing process for the record medium using
information responding to the storing type information stored in
the storing portion when the record medium type information read
from the record medium matches the storing type information
read from the storing portion when the data are recorded to the
record medium and reproduced from the record medium **[When
the two device identifiers match, the process then advances
to step S108, whereat the security is released and the
reading of data from the medium and the writing of data to it
are permitted (lines 12-15, Col. 6)]**.

Imamura et al. do not expressly disclose the remaining limitations
of the claim. However, Osakabe discloses:

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a signal processing portion for supplying record data to be recorded on the record medium to the head portion and for performing a decoding process for data read from the record medium by the head portion **[an EFM encoder 33 for encoding into the EFM format (lines 28-30, Col. 8), and the thus-encoded data is delivered, via the control circuit 20 and an ALPC (Auto Laser Power Control) circuit 35, to the optical head 16, which in turn, records the data onto the optical disk 12 (lines 30-34, Col. 8). EFM (Eight to Fourteen Modulation) decoder 21 EFM-decodes each disk readout signal that is output from the optical head 16 as the head 16 reads the optical disk 12 (lines 64-66, Col. 7)]; and**

In addition, Oki et al. disclose information corresponding to the storing type information **[key information (line 55, Col. 4)].**

Imamura et al., Osakabe, and Oki et al. are analogous art because they are from similar technology relating to the storage information, such as CD-ROM, processing technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to have signal processing components to handle the information processing during the data read/writing process and key information related to the device identifier. The modification would be obvious since one of ordinary skill in the art would be motivated to have (1) recording on the optical disk with

minimized errors (lines 37-38, Col. 1 from Osakabe), and (2) avoid secret data recorded on the memory medium, such as the contents of a client data base or design data, easily be stolen or altered (lines 41-43, Col. 1 from Oki et al.). Therefore, it would have been obvious to combine Imamura et al. with Osakabe and Oki et al. to obtain the invention as specified in claim 23.

b. Referring to Claim 24:

As per Claim 24, Imamura et al., Osakabe, and Oki et al. disclose the recording and reproducing apparatus for the record medium as set forth in claim 23 wherein said controlling portion includes: a comparing portion for comparing the record medium type information read from the record medium with the storing type information read from the storing portion **[The magneto-optical disk controller (ODC) 11, which is provided with flash ROM for the storage of firmware, has an analysis function for analyzing SCSI commands received from the computer 2, and a coordination function for interacting with the MPU 12, in response to a SCSI command, to provide data writing/reading control of the mechanism controller 10 (lines 52-58, Col. 4). Data reading/writing control is provided in accordance with the relationship between the device identifier of the storage device and the device identifier recorded in the medium. For example, only when the two**

identifiers match, the reading/writing of data is permitted (lines 16-20, Col. 5)].

c. Referring to Claim 25:

As per Claim 25, Imamura et al., Osakabe, and Oki et al. disclose the recording and reproducing apparatus for the record medium as set forth in claim 23. In addition, Imamura et al. disclose wherein said controlling portion determines which of the record medium type information read from the record medium and the storing type information read from the storing portion is type information that represents a later generation when the record medium type information read from the record medium does not match the storing type information read from the storing portion **[The magneto-optical disk controller (ODC) 11, which is provided with flash ROM for the storage of firmware, has an analysis function for analyzing SCSI commands received from the computer 2, and a coordination function for interacting with the MPU 12, in response to a SCSI command, to provide data writing/reading control of the mechanism controller 10 (lines 52-58, Col. 4). Data reading/writing control is provided in accordance with the relationship between the device identifier of the storage device and the device identifier recorded in the medium (lines 15-17, Col. 5). The device identifier recorded on the medium is compared**

with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifiers match. When the two device identifiers match, the process then advances to step S108 (lines 8-13, Col. 6). When at step S06, the two device identifiers do not match (lines 16-17); *this means that when two identifiers do not match, one of them must be larger (or later) than the other*].

d. Referring to Claim 30:

As per Claim 30, Imamura et al., Osakabe, and Oki et al. disclose the recording and reproducing apparatus for the record medium as set forth in claim 23. Osakabe further disclose the signal processing portion as in claim 23 in addition to Oki et al. disclose a process including an encrypting process using information corresponding to the storing type information stored in the storing portion and a process including a decrypting process using information corresponding to the storing type information stored in the storing portion [An encrypted storage medium refers to a medium such as a CD-ROM disk, etc. containing encrypted information (lines 17-20, Col. 4); *this means a key is used for encrypting the information*. The key generating unit 3 corresponds to an enciphering system 35 (lines 39-40, Col. 4). The key generating unit 3 generates the first key

information to be provided to the user, according to the second key information received from the interactive unit 2 and according to the user identification information or user terminal unit identification information contained in the order information (lines 6-12, Col. 5). The host computer generates key information for use in deciphering the selected information by combining the identifier of the selected information, user identification, etc (line 4-7, abstract)].

e. Referring to Claim 31:

As per Claim 31, Imamura et al., Osakabe, and Oki et al. disclose the recording and reproducing apparatus for the record medium as set forth in claim 30. Imamura et al. further disclose the storing type information is information that represents a generation of the key information [security information in the security are is a device identifier inherent to a magneto-optical disk device (hereinafter referring to as a storage device, such as a serial number (lines 8-11)]. In addition, Oki et al. disclose the information corresponding to the storing type information stored in said storing portion is key information [key information (line 55, Col. 4)].

8. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. (U.S. Patent 6,453,369) and Osakabe (U.S. Patent

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6,894,961) and Oki et al. (U.S. Patent 6,523,117) and further in view of Ito (U.S. Patent 6,496,978).

a. Referring to Claim 26:

As per Claim 26, Imamura et al., Osakabe, and Oki et al. disclose the recording and reproducing apparatus for the record medium as set forth in claim 25, wherein the controlling portion causes the signal processing portion to cancel the process **[the reading/writing of data is inhibited (lines 17-18, Col. 6 from Imamura)]**. Imamura et al., Osakabe, and Oki et al. do not expressly disclose the record medium type information read from the record medium is type information that represents a generation later than a generation represented by the storing type information read from said storing portion. However, Ito disclose the comparison of the version number is performed to determine if the one associated with the EPROM (recording medium such as CD-ROM) is more recent than the one associated with the ROM in the system **[When the EPROM 5 is an EPROM conforming to the microcomputer control system, version information (version number a) stored in the storage area 201 of the ROM 2 is compared with version information (version number b) stored in the storage area 211 of the EPROM 5 (step 33), and if the comparison show that the version number b of the EPROM 5 is more recent (lines 3-9, Col. 4). In this**

embodiment, as an information recording medium, there can be used pressed CD-ROM disks, DVD-ROM disks, write-once CD-R disks, DVD-R disks, erasable CD-RW disks, and DVD-RAM disks, and the use of these media would make additional operations on version changes simpler than the use of an EPROM (lines 41-46, Col. 10)]. Imamura et al., Osakabe, Oki et al., and Ito are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al., Osakabe, and Oki et al, with the further comparison result disclosed by Ito to effectively control the information access. The modification would be obvious since one of ordinary skill in the art would be motivated to have a microcomputer control system which is controlled on the basis of program or data stored in memory (lines 8-9, Col. 1). Therefore, it would have been obvious to combine Imamura et al., Osakabe, and Oki et al. with Ito to obtain the invention as specified in claim 26.

b. Referring to Claim 27:

As per Claim 27, Imamura et al., Osakabe, Oki et al., and Ito disclose the recording and reproducing apparatus for the record medium as set forth in claim 26, the apparatus further comprising:

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disclose a displaying portion; wherein said controlling portion causes the displaying portion **[display 4 (line 51, Col. 4 from Imamura et al.), which is linked to the ODC 11 (Fig. 1)]** to perform an indication for prompting a user to obtain the type information that represents the later generation **[After the “Media Shuttle” start message, three selection message items, that is, obtaining the implementation key number, displaying a product list, and existing the program, are displayed (lines 39-42, Col. 7)]**.

c. Referring to Claim 28:

As per Claim 28, Imamura et al., Osakabe, and Oki et al. disclose the recording and reproducing apparatus for the record medium as set forth in claim 25, wherein the controlling portion causes signal processing portion to perform the process using information corresponding to the storing type information stored in the storing portion as in claim 23. Imamura et al., Osakabe, and Oki et al. do not expressly disclose the type apparatus information read from the apparatus is type information that represents a generation later than a generation represented by the record medium type information read from the record medium. However, Ito disclose the comparison of the version number is performed to determine if the one associated with the ROM in the system is more recent than the one associated with the EPROM (recording medium

such as CD-ROM) [When the EPROM 5 is an EPROM conforming to the microcomputer control system, version information (version number a) stored in the storage area 201 of the ROM 2 is compared with version information (version number b) stored in the storage area 211 of the EPROM 5 (step 33), and if the comparison show that the version number b of the EPROM 5 is more recent, control is transferred to step 35; if the version number a of the ROM 2 is more recent (lines 3-10, Col. 4). In this embodiment, as an information recording medium, there can be used pressed CD-ROM disks, DVD-ROM disks, write-once CD-R disks, DVD-R disks, erasable CD-RW disks, and DVD-RAM disks, and the use of these media would make additional operations on version changes simpler than the use of an EPROM (lines 41-46, Col. 10)]. Imamura et al., Osakabe, Oki et al., and Ito are analogous art because they are from similar technology relating to relating to the storage information, such as CD-ROM, processing and control technique. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Imamura et al., Osakabe, and Oki et al, with the further comparison result disclosed by Ito to effectively control the information access. The modification would be obvious since one of ordinary skill in the art would be motivated to have a

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microcomputer control system which is controlled on the basis of program or data stored in memory (lines 8-9, Col. 1). Therefore, it would have been obvious to combine Imamura et al., Osakabe, Oki et al. with Ito to obtain the invention as specified in claim 28.

d. Referring to Claim 29:

As per Claim 29, Imamura et al., Osakabe, Oki et al., and Ito disclose the recording and reproducing apparatus for the record medium as set forth in claim 28, the apparatus further comprising: a displaying portion, wherein the controlling portion causes said displaying portion **[display 4 (line 51, Col. 4 from Imamura et al.), which is linked to the ODC 11 (Fig. 1)]** to perform an indication that represents that the record medium type information read from the record medium is former type information **[After the "Media Shuttle" start message, three selection message items, that is, obtaining the implementation key number, displaying a product list, and existing the program, are displayed (lines 39-42, Col. 7); this means that the current information, product, or program has already been existed or out-dated]**.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. Kambayashi et al. (U.S. Patent 6,477,649) disclose an apparatus for encryption the content information when recording. Similarly, the decryption of the content information when reproducing. The license information and id information are decoded using a second decoding key.
- b. Su et al. (U.S. Patent 6,411,574) disclose predetermined address information (as in Fig. 15). Te certain address information at predetermined interval is used to hold special information. The ATIP information is recorded as the starting time in the lead-in area.
- c. Nagai et al. (U.S. Patent 6,938,162) disclose recording type optical disk on which data is recordable includes a data recording and reproducing area for recording data therein and reproducing data therefrom. The data in the sector contains data ID and key information as well as the scramble control information. Figure 5 contains the address information regarding the head and list of pointer in association with the content ID, scrambling key, and key status. Fig. 31 shows that lead-in and lead-out area.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yin-Chen Shaw whose telephone number is 571-272-8593. The examiner can normally be reached on 8:15 to 4:15 M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on

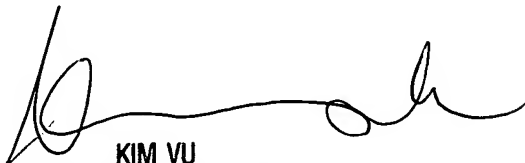
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571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YCS

Sep. 26, 2005


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